

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

March 22, 2024

Nathan Ochsner, Clerk of Court

United States of America
v.
CARLOS FRANCISCO TUDON

Case No.

4:24-mj-129

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 14, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326 (a) and (b)(2)

a native and citizen of Mexico, and an alien who had been previously deported from the United States, subsequent to having been convicted of a crime defined as an aggravated felony, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

☐ Continued on the attached sheet.

Complainant's signature

Justin Vedder, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 03/22/2024

Judge's signature

City and state: Houston, Texas

Dena Hanovice Palermo, United States Magistrate Judge

Printed name and title

4:24-mj-129

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Justin Vedder, being duly sworn by telephone, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since September 2016. Prior to this assignment, I have held the following positions: US Customs and Border Protection Officer and Immigration Enforcement Agent. My law enforcement career began on January 26, 2004, as a US Customs and Border Protection Officer. I have over 20 years of immigration law enforcement experience.

(2) On March 21, 2024 at approximately 2000 hours, Carlos Francisco Tudon was detained by ICE. The Defendant also goes by the alias(s) of Miguel Eduardo Garcia-Zarate, Carlos Tudon, Carlos F Tudon, Carlos Tudon-Ovalle, Carlos F Tudon-Ovalle, and Carlos Francisco Tudon-Ovalle.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously convicted and deported.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a) and (b)(2).

(5) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

- a. February 26, 2019
- b. October 10, 2008
- c. September 1, 2005

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on August 14, 2023 in Houston, Texas, which is within the Houston Division of the Southern District of Texas. Additionally, I consulted with ICE’s Law Enforcement Support Center (“LESC”) to determine whether, in the past five years and after the Defendant’s last deportation,

the Defendant had been encountered by law enforcement prior to the date specified earlier in this paragraph. On March 22, 2024, LESC advised me that it had no record of such an encounter.

(8) Element Four: The Defendant did not have permission to re-enter the United States. On March 22, 2024, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:


- a. On March 20, 2024, the Defendant, using the name Carlos Tudon, was convicted in the 486th District Court of Harris County, TX, for the offense of Deadly Conduct, under case 183157301010. For this offense, the Defendant was sentenced to 300 days confinement.
- b. On July 26, 2016, the Defendant, using the name Carlos Francisco Tudon-Ovalle, was given an Order Revoking Supervised Release and Re-Sentencing Defendant in the Western District of Texas, Del Rio Division case DR:16-CR-00471(1)-AM for violating the terms of supervised release ordered in the Southern District of Texas, Houston Division case 4:13-CR-00305-001. For this offense, the Defendant was sentenced to 18 months confinement.
- c. On July 25, 2016, the Defendant, using the name Carlos Francisco Tudon, was convicted in the Western District of Texas, Del Rio Division, for violation of 8 USC 1326, Illegal Re-Entry Into the United States, in case DR-15-CR-1202 (1) AM. For this offense, the Defendant was sentenced to 30 months confinement.
- d. On December 16, 2013, the Defendant, using the name Carlos Francisco Tudon-Ovalle, was convicted in the Southern District of Texas, Houston Division, for violation of 8 USC 1326(a) and (b)(1), Illegal re-entry by a previously deported alien after a felony conviction, in case 4:13-CR-00305. For this offense, the Defendant was sentenced to 20 months confinement.

- e. On January 24, 2008, the Defendant, using the name Carlos Francisco Tudon, was convicted in the Southern District of Texas, Houston Division, for violation of 18 USC 922(g)(1) and 924(a)(2), Felon in Possession of a Firearm, in case 4:07-CR-00384-001. For this offense, the Defendant was sentenced to 18 months confinement.
- f. On October 29, 2004, the Defendant, using the name Carlos Francisco Tudon, was convicted in the 208th District Court of Harris County, TX, for the offense of Driving While Intoxicated 3rd or More IAT, under case 948180. For this offense, the Defendant was sentenced to 2 years confinement after violating a 3 year probation sentence for the same offense.

On March 22, 2024, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Rebekah Saunders (713-819-5624) accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a) and (b)(2).


Justin Vedder, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me this 22nd day of March, 2024, and I find probable cause.


Dena Hanovice Palermo
United States Magistrate Judge
Southern District of Texas